

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DACOREY SATTERWHITE,
Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE,
Defendant.

Case No. 23-cv-05953-NC

**ORDER TO SHOW CAUSE AS
TO THE COURT'S
JURISDICTION**

Re: ECF 1

Plaintiff DaCorey Satterwhite filed a complaint against Defendant United States Department of Justice, alleging multiple violations of his civil rights. ECF 1. Plaintiff alleges these violations stem from Defendant failing to investigate and protect against microchip implants in his body. *Id.* at p. 4. Upon review of the complaint, however, the Court raises a major issue that Plaintiff must address in writing before proceeding with the case.

Defendant, as a facet of the federal government, is typically shielded from lawsuits under sovereign immunity. This means that the federal government “may not be sued without its consent and that the existence of consent is a prerequisite for jurisdiction.” *United States v. Mitchell*, 463 U.S. 206, 212 (1983). “[W]aivers must be ‘unequivocally expressed in the statutory text’ and ‘are to be strictly construed, in terms of its scope, in favor of the sovereign.’” *Jordan v. The Presidio Trust*, No. 16-cv-02122-KAW, 2017 WL

396169, at *3 (N.D. Cal. Jan. 30, 2017) (quoting *Dep't of the Army v. Blue Fox*, 525 U.S. 255, 261 (1999)). The party seeking waiver bears the burden of meeting this “high standard.” *Id.* (quoting *Hajro v. U.S. Citizenship and Immigration Servs.*, 811 F.3d 1086, 1101 (9th Cir. 2016)).

Here, Plaintiff fails to allege any facts supporting a plausible inference that Defendant waived sovereign immunity with regard to his claims. Accordingly, the Court ORDERS Plaintiff to provide evidence of Defendant’s *unequivocal* waiver in his written response. Plaintiff must file his written response by December 22, 2023. Failure to comply with the Court’s order may result in the dismissal of Plaintiff’s case. *See Bolton v. City of Berkeley*, No. 19-cv-05212-WHO, 2020 WL 3892868, at *2 (N.D. Cal. July 10, 2020).

Lastly, the Court refers Plaintiff to the Federal Pro Se Program at the San Jose Courthouse provides free information and limited-scope legal advice to pro se litigants in federal civil cases. The Federal Pro Se Program is available by phone appointment at (408) 297-1480. There are also online resources available on the Court’s webpage. The Pro Se Handbook, available at: <http://www.cand.uscourts.gov/pro-se-litigants/>, has a downloadable version of the Court’s publication: *Representing Yourself in Federal Court: A Handbook for Pro Se Litigants*.

IT IS SO ORDERED.

Dated: November 22, 2023


NATHANAEL M. COUSINS
United States Magistrate Judge